

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE JUNE 18, 2008

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2762**

---

**Introduced by Assembly Member Eng  
(Coauthors: Assembly Members Brownley, Coto, Huffman,  
Karnette, and Ma)**

February 22, 2008

---

An act to add Section 44014.5 to the Education Code, relating to school districts.

### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2762, as amended, Eng. School districts.

(1) Existing law requires any employee of a school district and any person under whose direction or supervision the employee is employed in the public school system who has knowledge of an incident in which an employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by any pupil, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Failure to make the report is an infraction punishable by a fine of not more than \$1,000.

This bill would require an employee of a school who becomes aware that an act of harassment or discrimination has occurred, or that a terrorist threat was made, that would make a pupil subject to suspension or expulsion, to *immediately* report the incident to the school principal *immediately in writing*. The report would be required to include specified information, ~~and if the act of harassment or discrimination involves the targeting of a particular pupil, the reporting school personnel would be required, to the extent practicable, to ensure that the identity of the targeted pupil would be confidential unless the pupil waived his or her right to confidentiality including a description of the incident, a description of any initial actions taken by school personnel, and any recommendations for further action.~~ School personnel would be authorized to use any existing disciplinary forms or system ~~and forms used by the school to record the incidents. If a school does not have disciplinary forms or a system in place for recording incidents, the school would be required to develop and implement a procedure for recording the incidents by August 31, 2010.~~ This bill would require the school principal or his or her designee or the superintendent of the school district or his or her designee to investigate the report and to take prompt and appropriate action to end the harassment, discrimination, or threats. ~~The principal or his or her designee, in addition, would be required to submit a report each semester to the superintendent of the school district summarizing the incidents of harassment or discrimination that occurred at the school during that semester. The principal would be authorized to complete this report using existing reporting systems. If a school does not have an existing reporting system in place, the school would be required to develop and implement a reporting procedure by August 31, 2010.~~

Because this bill would require local officials to perform additional duties, this bill would ~~create~~ *impose* a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

The

*This* bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 44014.5 is added to the Education Code,~~  
2 ~~to read:~~

3     ~~44014.5. (a) If an employee of a school becomes aware that~~  
4 ~~an act of harassment or discrimination has occurred, or that a~~  
5 ~~terrorist threat was made, that would make a pupil subject to~~  
6 ~~suspension or expulsion under Section 48900.3, 48900.4, or~~  
7 ~~48900.7, it shall be the duty of the employee to report the incident~~  
8 ~~to the school principal immediately. For purposes of this section,~~  
9 ~~“harassment” means conduct or actions directed against an~~  
10 ~~individual with protected status that is severe or pervasive, which~~  
11 ~~unreasonably disrupts the educational or work environment of an~~  
12 ~~individual or that creates a hostile educational or work~~  
13 ~~environment.~~

14     ~~(1) The report shall include a description of the incident,~~  
15 ~~including any initial actions taken by school personnel and any~~  
16 ~~recommendations for further action. School personnel may use~~  
17 ~~the existing disciplinary forms or system that are used by the school~~  
18 ~~to record the incidents. If the school does not have existing~~  
19 ~~disciplinary forms or a system for recording incidents, the school~~  
20 ~~shall develop and implement a procedure for recording incidents~~  
21 ~~by August 31, 2010.~~

22     ~~(2) If the incident involves the targeting of a particular pupil,~~  
23 ~~the reporting school personnel, to the extent practicable, shall~~  
24 ~~ensure that the identity of the targeted pupil remains confidential;~~  
25 ~~unless that pupil gives his or her written consent to be identified.~~  
26 ~~If the targeted pupil does not waive his or her right to~~  
27 ~~confidentiality, the school shall not reveal his or her identity to;~~  
28 ~~among others, family members of the targeted pupil and school~~  
29 ~~staff.~~

30     ~~SECTION 1. Section 44014.5 is added to the Education Code,~~  
31 ~~to read:~~

32     ~~44014.5. (a) For purposes of this section, “harassment” means~~  
33 ~~conduct or actions directed against an individual with protected~~  
34 ~~status that are severe or pervasive, that unreasonably disrupt the~~  
35 ~~educational or work environment of an individual or that create~~  
36 ~~a hostile educational or work environment.~~

37     ~~(b) If an employee of a school becomes aware that an act of~~  
38 ~~harassment or discrimination has occurred, or that a terrorist~~

1 *threat was made, that would make a pupil subject to suspension*  
2 *or expulsion under Section 48900.3, 48900.4, or 48900.7, it shall*  
3 *be the duty of the employee to immediately report the incident to*  
4 *the school principal in writing. The written report shall include a*  
5 *description of the incident, including any initial actions taken by*  
6 *school personnel and any recommendations for further action.*  
7 *School personnel may use the existing disciplinary system in use*  
8 *by the school to record the incidents, including, but not limited to,*  
9 *use of existing disciplinary reporting forms.*

10 ~~(b)~~

11 (c) Upon receiving a report that an act of harassment or  
12 discrimination has occurred, or that a terrorist threat was made, a  
13 school principal or his or her designee shall initiate an investigation  
14 of the report immediately and notify the superintendent of the  
15 school district or his or her designee.

16 ~~(e)~~

17 (d) If a report that an act of harassment or discrimination has  
18 occurred, or that a terrorist threat was made, that involves a school  
19 principal, the superintendent of the school district shall investigate  
20 the report immediately.

21 ~~(d)~~

22 (e) If, after an investigation, the school principal or his or her  
23 designee or the superintendent of the school district or his or her  
24 designee concludes that harassment, discrimination, or a terrorist  
25 threat has occurred, he or she shall take prompt and appropriate  
26 action to end the harassment, discrimination, or threats. He or she  
27 also shall advise the victim of any remedies that may be available.  
28 ~~Subject to obtaining the victim's consent, the victim's parent or~~  
29 ~~guardian also shall be advised of any remedies that may be~~  
30 ~~available.~~ Prompt and appropriate action shall include, but is not  
31 necessarily limited to, the following:

32 (1) Disciplinary action.

33 (2) Counseling and education for the pupils involved.

34 ~~(3) Counseling and education for the parents or guardians of~~  
35 ~~the pupils involved if the victim waives his or her right to~~  
36 ~~confidentiality.~~

37 ~~(4)~~

38 (3) Care to ensure the safety of the targeted pupil.

39 ~~(e) Each semester, the principal or his or her designee shall issue~~  
40 ~~a report to the superintendent of the school district summarizing~~

1 the incidents of harassment or discrimination, or both that occurred  
2 during the semester at the school. The report shall include, but not  
3 be limited to, the type of discrimination involved and the age,  
4 gender, race, and ethnicity of the victims and perpetrators for each  
5 incident. The report shall be used to determine if any trends or  
6 patterns exist with regard to incidents of harassment or  
7 discrimination, or both. The report may be completed by the use  
8 of existing reporting systems. If the school district does not have  
9 existing reporting system for recording incidents, the school shall  
10 develop and implement a procedure for recording incidents by  
11 August 31, 2010.

12 (f) If a school reports the incident to law enforcement authorities,  
13 the school shall immediately give notice to the superintendent of  
14 the school district or his or her designee that law enforcement  
15 authorities have been contacted.

16 SEC. 2. If the Commission on State Mandates determines that  
17 this act contains costs mandated by the state, reimbursement to  
18 local agencies and school districts for those costs shall be made  
19 pursuant to Part 7 (commencing with Section 17500) of Division  
20 4 of Title 2 of the Government Code.